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March 22, 2019

**NOTICE OF CLAIM PURSUANT TO
POLITICAL SUBDIVISIONS TORT CLAIMS ACT**

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

John C. McClure, Esq.
1414 15th Street
PO Box 499
Columbus, NE 68602

RE: Notice of Tort Claim against Nebraska Public Power District

Dear Mr. Pope:

This law firm represents Ken Angel; Linda Angel, Individually, and as Special Administrator of the Estate of Ken Angel; and Angels', Inc. (collectively, "Angels") with regard to their tort claims against Nebraska Public Power District and its agents and employees (including, but not limited to, Paul Spencer and Doug Zimmerer) (collectively, "NPPD") as a result of the incident involving NPPD and the Spencer Dam breach/collapse/overflow that occurred on or about March 14, 2019, at or near Spencer, Nebraska. Please direct any future contact regarding these claims to our attention.

The Angels own personal and real property in Holt County, Nebraska, in close proximity to the Spencer Dam. On or about March 14, 2019, the Spencer Dam and/or its levees, dikes, waterways, gates, floodgates, buildings, materials, maintenance, and/or other components (collectively, "Dam") failed, breached, and/or collapsed, which caused water, ice, soil, and other matter to improperly spill and/or overflow out of the Dam (hereafter, "Incident"). As a result of the Incident, Ken Angel was injured and lost his life; Linda Angel has suffered injuries; and the Angels' personal and real property next to Spencer Dam was destroyed. The Angels also operated businesses in Holt County, Nebraska, in close proximity to the Spencer Dam, including, but not limited to, a spray business, a bar and restaurant, campgrounds, and other entertainment matters, which the Incident destroyed.

The Incident was caused by, among other things, NPPD's negligent, reckless, and/or willful actions and/or omissions, including, but not limited to, NPPD's failure to

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properly construct and/or maintain the Dam, to monitor the Dam, and/or to properly give notice to the Angels of the Incident and/or the defects, problems, and/or dangerous conditions of the Dam. The Angels hereby incorporate herein and put NPPD on notice of every legal claim and cause of action that the Angels have or may have against NPPD as a result of the Incident, including, but not limited to, the Angels' negligence, failure to warn, negligent and/or intentional infliction of emotional distress, product liability, reverse condemnation, strict liability, breach of express and implied warranties, nuisance, wrongful death, and survival claims against NPPD.

As a result of the Incident, Ken Angel and Linda Angel, Individually, and as Special Administrator of the Estate of Ken Angel (a) have suffered and will continue to suffer all wrongful death damages provided under the law, including, but not limited to, emotional distress, loss of financial support, and the loss of Ken Angel's society, comfort, companionship, services, support, earnings, consortium, counsel, guidance, care, love, affection, attention, protection, aid, and assistance and (b) have incurred and/or will incur healthcare, medical, hospital, funeral, and burial expenses and services, as well as the past and future loss of Ken Angel's earnings, earning capacity, and wages. In addition, Mr. Angel experienced physical and mental pain, suffering, anguish, emotional distress, disability, disfigurement, and embarrassment, and has lost the enjoyment of the rest of his life. Further, the Angels have incurred property damage, including, but not limited to, property damage to their real and personal property, as well as damages to their businesses, including, but not limited to, lost earnings, profits, revenue, and business.

The Angels reserve the right to document and/or supplement any of the information they have provided in this letter, if necessary, as discovery in this matter proceeds.

This letter shall constitute formal notice under the Political Subdivisions Tort Claims Act, Neb. Rev. Stat. §§ 13-901 et seq., of the Angels' claims and tort claims against NPPD for the injuries and damages they have suffered due to the Incident. These damages are presently unliquidated.

Please feel free to contact us if you have any questions or require any further information concerning this claim.

Very truly yours,



Michael F. Coyle
Jordan W. Adam
FOR THE FIRM